

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

<p>IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION</p> <p>This Document Relates To:</p> <p><i>People of the State of California, et al. v. Meta Platforms, Inc., et al.</i></p>	<p>MDL No. 3047</p> <p>Case Nos.: 4:22-md-03047-YGR (PHK) 4:23-cv-05448-YGR</p> <p>JOINT STATUS REPORT ON NEW YORK EXECUTIVE AGENCIES' PRODUCTION OF DOCUMENTS</p> <p>Judge: Hon. Yvonne Gonzalez Rogers Magistrate Judge: Hon. Peter H. Kang</p>
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Dear Judge Kang:

Pursuant to the Court’s Text Order of January 13, 2025 (ECF No. 1529), Defendants Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC (collectively, “Meta”) and the Office of the Governor of New York respectfully submit this joint status report for the five New York agencies with whom disputes remain, as reported in the Parties’ Joint Status Report, dated January 13, 2025 (ECF No. 1523). These five agencies are the Council on Children and Families (“CCF”), Department of Health (“DOH”), Office of Children and Family Services (“OCFS”), Office of Mental Health (“OMH”), Office of the Governor (the “Executive Chamber”) (collectively, the “Executive Agencies”):

1. “[A] chart which identifies those search terms, if any, these Parties agree on for any custodians”

Meta and the Executive Agencies have not agreed on any search terms. As set forth in Section 5 below, their core dispute concerns what constitutes a reasonable number of documents to review.

2. “[A] chart which lists any alternative search methods, such as manual searches or go get ‘em searches, these Parties agree on for any custodians which would replace entirely the use of search terms for any such custodians”

Meta and the Executive Agencies have not agreed on any alternative search methods for the Executive Agencies. As set forth in Section 5 below, their core dispute concerns what constitutes a reasonable number of documents to review.

3. “[A] chart identifying those custodians from each agency the Parties have agreed upon, if any, and a two-column chart identifying by name and title each of those custodians for each such agency Meta has proposed but whom that agency has rejected, and in the second column identifying by name and title each of those custodians each such agency has counterproposed but whom Meta has rejected”

The chart below lists custodians proposed for each of the Executive Agencies. Meta did not receive any proposed custodians for the New York Governor's Office until the afternoon of the deadline to file this joint status report, January 14, 2025, and still is considering the proposal. And as set forth in Section 5 below, their core dispute concerns what constitutes a reasonable number of documents to review.

Agency	Custodians
Executive Chamber	Carolyn Dee, Kathryn Garcia, Albert Pulido, Nichols Silbersack, Sam Spokony, Micah Lasher
Council on Children and Families	Vanessa Threatte, Keith Howard, Samantha McQuibban, Dimple Patel, Melinda Sanderson, Diana Urso, Joseph DeBonza, yan Wu, Kristin Weller
Department of Health	Shirleen McClaren, Bianca Sanders, Suzanne Swan, Eric Zasada, Amir Bassiri, Jack Pitera, Stephanie Sheehan
Office of Children and Family Services	Nina Aledort, Kerri Barber, Thomas Brooks, Christopher Bruno, Sheletha Chang, Theodore Chmielewski, Evelyn D'Ambro, Amanda Darling, Sandra Davidson, Jason DeSantis, Gail Geohagen-Pratt, Heather Girard, Kristin Gleeson, Jim Hart, Madeline Hehir, Ashleigh Hodge, Phil Ingram, Kristen Kirkland, Donna Linhares-LaPietra, John Lockwood, Karen Male, Patricia Mantey, David Nasner, Kim Perry, Suzanne Schanz, Sara Simon, Michael Stevens, Joseph Tomassone, Hui-Shien Tsao, Casey Vincellette, Jon Zafra
Office of Mental Health	Sarah Kuriakose, Meredith Ray-Labatt, Bonnie Catlin, Audrey Erazo-Trivino, Allison Trujillo, Jessica Zahn, Emily Luddy, Thomas Smith, Loretta Santilli, Bob Moon, Matthew Perkins, Ben Rosen, Jennifer Hernandez, Crystal Lewis, Paula Tambasco, Jessica McGinn, Helen-Maria Lekas, Gregory Eves, Justin Mason, Jim Plastiras, Mark Genovese, Joe Katagiri, Heather Martin, Christopher Smith, Beth Giarrusso, and Elisabeth Iskander

4. “[A] two-column chart setting forth in the first column the applicable time period Meta has proposed for document discovery from each agency, and in the second column the applicable time period each agency has counterproposed”

As set forth in Section 5 below, Meta and the Executive Agencies’ core dispute concerns what constitutes a reasonable number of documents to review. Subject to Meta and the Executive Agencies resolving that issue, the Executive Agencies are willing to run searches for Meta’s entire proposed applicable time period of January 1, 2012 through April 1, 2024.

5. “[A] one-page letter, evenly split between the Parties, which sets forth the arguments from each Party on why they cannot agree on custodians or applicable time period”

Meta’s position: Meta has worked diligently to reach discovery agreements with four N.Y. agencies. But the Executive Agencies have stymied Meta’s efforts to resolve issues by failing to meaningfully engage. For example, the Governor’s Office (1) did not disclose a list of proposed custodians until today—2.5 months after this Court’s November 1 deadline (ECF No. 1291); (2) has never provided a hit report for any of Meta’s proposed search terms; and (3) refused (along with the other Executive Agencies) to provide any hit report for the narrowed terms that Meta proposed on 12/17 in response to the Agencies’ 12/16 request to “work together” to narrow terms.

The core disagreement is the number of documents that the Executive Agencies should reasonably be expected to review. Indeed, as reflected in Section 6, the Executive Agencies’ search terms remove most of Meta’s keywords, and apply unduly restrictive proximity limiters that require remaining keywords to appear within the same sentence or less of each other (*i.e.*, near(10) and (5) limiters), all without any particular substantive basis for such restrictions.

To streamline discussions, Meta proposed a maximum number of hits (not families) that each agency should be expected to review. But rather than entertain Meta’s current proposal that they each review up to 80K de-duplicated hits (Governor’s Office and OCFS) or 110K de-duplicated hits (OMH, CCF, and DOH), the Executive Agencies insist that they each should only review an average of 50K documents—a total that includes documents without search term hits. That is not reasonable. New York has sued Meta seeking up to billions in monetary relief. Other agencies have agreed to targets at thresholds near or above Meta’s proposal; for example, the N.Y. Department of Education agreed to review up to 185K de-duplicated documents. The Executive Agencies should not be allowed to delay, and then avoid, reasonable Rule 34 discovery burdens.

New York Executive Agencies’ position: Meta and three non-party New York executive agencies have voluntarily reached agreement. The remaining five non-party executive agencies, the Executive Chamber, OCFS, CCF, DOH, and OMH (the “Agencies”—who had no involvement in the filing or prosecution of this lawsuit)—offered to review, voluntarily, 250,000 total documents from 1/1/12-4/1/24 using search terms Defendant Meta would unilaterally select, in line with a new process for document searches Meta proposed on 1/9/25, 24 hours before our in-person meet-and-confer. There is no agreement since Meta is demanding the Agencies review

490,000 families—an unduly burdensome, disproportionate, and overly broad demand for non-party public agencies—and did not share search terms for its new process until 1/14/25 at 2:02pm.

To avoid delay, the Agencies are voluntarily continuing to review approximately 75,000 families hitting on search terms the Agencies proposed to Meta on 12/20/24, over 79 custodians across the Agencies and a date range of 1/1/15-10/23/2023, as offered to Meta on 1/6/25. These terms and custodians are in the accompanying charts. Meta rejected these parameters outright, without providing a search term counterproposal (after previously refusing our request to work together to narrow terms we proposed on 12/16/24 that were still yielding an unduly burdensome volume for review—approximately 660,000 duplicated and de-duplicated hits across four Agencies). Meta has not raised specific custodian issues, but we remain available to discuss.

The Agencies, as non-parties, provide this insert and accompanying charts voluntarily to assist the Court while reserving their jurisdictional objections. The Agencies will continue to work to reach a compromise with Meta before the 1/16/25 conference.

6. “[F]or each agency, a chart consisting of two columns which sets forth in the first column each of the search terms (one search term per row) last proposed by Meta as a compromise which was rejected by that agency, and in the second column each of the corresponding counterproposed search terms which were last proposed by that agency as a compromise of this dispute lined up with each of the corresponding Meta proposed search terms, so that the Court may clearly see for each disputed search term for each agency what the final compromise position of each Party was.”

The Agencies did not receive Meta’s Proposed Search Terms included below until the afternoon of the deadline to file this joint status report, January 14, 2025, and still are considering the proposal.

No.	Meta Proposed Search Terms ¹ (Terms with a “w/100” limiter that return more than 100K unique hits may be reduced to “w/75” limiter, and then further reduced to “w/50” limiter if “w/75” still results in over 100K unique hits)	New York Proposed Search Terms
1	(teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR	((“social media” OR “social network” OR Meta OR Facebook OR Instagram OR “direct message”) NEAR(10) ((teen* OR adolescen* OR kid* OR

¹ Meta’s 1/14/25 proposal is that these search terms generally apply to all agencies. However, Meta is willing to consider making agency-specific modifications. For example, if “mental health” hits on signature blocks of custodians in the Office of Mental Health, Meta would consider dropping that term for that one agency. Likewise, if “child*” hits on signature blocks of custodians in the Office of Children and Family Services and/or the Council on Children and Families, Meta would consider modifying the term to “child” to exclude the word “children”.

	<p>“gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*) AND ((“social media” OR “social network” OR Meta OR Facebook OR Instagram OR “Insta” OR Youtube OR Snapchat OR Bytedance OR TikTok OR Twitter OR Tweet OR Roblox OR Discord OR Twitch OR Netflix OR Reddit OR Pinterest OR Tumblr OR viber OR threema OR wechat OR kik OR textplus OR wickr OR YikYak OR “Yik Yak” OR finsta OR FB OR IG OR YT OR TT OR DM* OR “direct message”) w/50 (wellness OR wellbeing OR well-being OR confidence OR self-confidence OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar” OR bipolar OR “BPD” OR insomnia OR therap* OR counsel*))</p>	<p>youth* OR minor* OR child) AND (wellness OR wellbeing)))</p>
	<p>OMH, DOH, Chamber: (wellness OR wellbeing OR well-being OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar” OR “bi polar” OR bipolar OR “BPD” OR insomnia) w/50 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)</p>	<p>((wellness OR wellbeing) NEAR(5) (teen* OR adolescen* OR kid* OR youth* OR minor* OR child))</p>
2	<p>CCF: (wellness OR wellbeing OR well-being OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar” OR “bi polar” OR bipolar OR “BPD” OR insomnia) w/200 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)</p>	

	OCFS: (wellness OR wellbeing OR well-being OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar” OR “bi polar” OR bipolar OR “BPD” OR insomnia therap* OR counsel*) w/75 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	
3	(“pro-anorexi” OR “BMI” OR obes* OR anorexi* OR bulimi* OR orthorexi* OR dysmorph* OR binge OR purge OR suicid* OR “self harm” OR “self-harm” OR selfharm OR unalive OR cutting*) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	((“eating disorder” OR “self-harm”) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
4	(bully* OR bullie* OR cyberbull* OR harass* OR sextort* OR transphob* OR homophob* OR racis* OR sexis* OR groom* OR hookup* OR solicit* OR pedophil* OR predator* OR extort OR exploit*) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	((cyberbully* OR “online bully*” OR harass* OR solicit* OR pedophil* OR predator* OR exploit*) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
5	(teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR OR student* OR pupil*) AND ((violien* OR abus* OR assault* OR shoot* OR shot OR threat* OR gun* OR pistol OR rifle OR firearm OR rape* OR rape*) NEAR(5) ((teen* OR tween* OR adolescen* OR kid* OR minor*)) AND (wellness OR wellbeing)))	((violien* OR abus* OR shoot* OR traffick*) NEAR(5) ((teen* OR tween* OR adolescen* OR kid* OR minor*)) AND (wellness OR wellbeing)))

	OR murder* OR traff* OR hate*) w/50 (wellness OR wellbeing OR well-being OR confidence OR self-confidence OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar” OR “bi polar” OR bipolar OR “BPD” OR insomnia therap* OR counsel*))	
6	(addic* OR hook* OR dopamine OR rabbithol* OR spiral OR “social reward” OR “social approval” OR “screen time” OR screentime OR staytime OR timespent OR “time spent” OR “mandatory break” OR “habit loop” OR “operant conditioning” OR “impulse control”) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen**” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	((addict* OR hooked) NEAR(5) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
7	(eat* w/3 (problem* OR issue* OR trouble* OR difficult* OR disorder* OR disag* OR agitat* OR behav* OR depriv*)) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen**” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	N/A - no terms
8	(sleep* w/3 (problem* OR issue* OR trouble* OR difficult* OR disorder* OR disag* OR agitat* OR behav* OR depriv*)) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen**” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	((sleep* NEAR(1) (problem* OR disorder* OR depriv*)) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
9	(negative w/3 (appearance OR experience OR affect* OR effect*)) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen**” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under	((“negative appearance”) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))

	“13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	
10	(compar* w/5 (appearance OR social OR other* OR negative)) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	((compar* NEAR(3) (appearance)) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
11	(body w/3 (accept* OR dissatisfaction OR positiv* OR image OR dysmorph*)) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	((body NEAR(1) (accept* OR dissatisfaction OR image OR dysmorph*)) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
12	(self w/3 (esteem OR harm OR control OR injur* OR mutilat* OR regulate OR regulation)) w/100 (teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*)	((“self-esteem”) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
13	(teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*) AND ((Covid* OR coronavirus OR pandemic OR lockdown OR “lock* down” OR quarantine OR “social* distanc*”) w/50 (wellness OR wellbeing OR well-being OR confidence OR self-confidence OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar” OR “bi polar” OR bipolar OR “BPD” OR insomnia therap* OR counsel*))	((Covid* OR coronavirus) NEAR(5) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))

	((teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR OR student* OR pupil*) AND ((svap* OR “ecig” OR “e-cig” OR cig* OR smok* OR nicotine OR tobacco OR pot OR cannabis OR marijuana OR heroin OR crack OR cocaine OR fent* OR opio* OR opia* OR meth OR methamphetamine OR oxy OR oxycontin OR painkiller* OR narcotic* OR drug* OR alcohol* OR Juul) w/50 ((wellness OR wellbeing OR well-being OR confidence OR self-confidence OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar” OR “bi polar” OR bipolar OR “BPD” OR insomnia therap* OR counsel*))))	((drug* OR alcohol*) NEAR(5) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (wellness OR wellbeing)))
14	“adverse childhood experience” OR “adverse childhood experiences”	N/A - no terms
15	((teen* OR tween* OR adolescen* OR kid* OR youth* OR minor* OR young* OR child* OR underage* OR “under-age” OR juvenile* OR “pre-teen*” OR preteen* OR “U18” OR “under 18” OR “U13” OR “under 13” OR “gen* z” OR “gen-z” OR “gen* alpha” OR gen-a* OR student* OR pupil*) AND ((policy OR policies OR initiative* OR legislat* OR sanction* OR ban OR “Consumer Protection Act” OR “consumer protection”) NEAR(10) ((teen* OR adolescen* OR kid* OR youth* OR minor* OR child) AND (“social media” OR “social network” OR Meta OR Facebook OR Instagram OR “direct message”) AND (wellness OR wellbeing))))	
16	banned OR banning OR deceptive OR decei* OR fraud* OR defraud* OR cheat* OR lie* OR misrepresent* OR mislead* OR schem* OR exploit* OR trick* OR conceal* OR hide OR omit* OR downplay* OR suppress* OR “cover up” OR “Consumer Protection Act” OR “consumer protection”) w/50 (wellness OR wellbeing OR well-being OR confidence OR self-confidence OR “mental health” OR “TMH” OR anxi* OR anti-anxi* OR depress* OR antidepress* OR reclus* OR “attention deficit” OR “ADHD” OR posttraumatic OR “bi-polar”	

OR “bi polar” OR bipolar OR “BPD” OR
insomnia therap* OR counsel*))

Dated: January 14, 2025

Respectfully submitted,

COVINGTON & BURLING LLP

/s/ Ashley M. Simonsen

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ATTESTATION

I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: January 14, 2025

By: /s/ Ashley M. Simonsen
Ashley M. Simonsen